

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MISS UNIVERSE L.P., LLLP, : 12-cv-09174 (JPO)  
: Petitioner, : **DECLARATION OF SCOTT S. BALBER**  
: -against- : **IN FURTHER SUPPORT OF**  
: SHEENA MONNIN, : **PETITIONER'S PETITION TO**  
: Respondent. : **CONFIRM ARBITRATION AWARD**  
: : **AND IN OPPOSITION TO**  
: : **RESPONDENT'S CROSS-MOTION TO**  
: : **VACATE THE ARBITRATION AWARD**  
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SCOTT S. BALBER, an attorney duly admitted to practice in the courts of the State of New York and before the above-named Court, respectfully affirms the following under penalty of perjury:

1. I am a member of the Bar of this Court and am associated with the firm of Cooley LLP, attorneys for Petitioner Miss Universe L.P., L.L.L.P. (the “MUO”) in the above-entitled action. I am familiar with all of the facts and circumstances in this action and of the underlying arbitration brought by the MUO against Respondent Sheena Monnin (“Monnin”) (the “Arbitration”).
2. On November 2, 2012, I participated in a phone call with Michael Cohen (“Cohen”), the Executive Vice President of the Trump Organization and Special Counsel to Donald J. Trump, and Monnin’s attorney, Richard Klineburger (“Klineburger”).
3. During the call, Klineburger threatened Cohen and me that if the MUO did not withdraw its pending arbitration, he would file a complaint against the MUO and Donald Trump, one of the owners of the MUO, in the Western District of Pennsylvania.
4. Cohen and I told Klineburger that we did not intend to withdraw the arbitration, and it was clear that we intended to proceed with the Hearing the following Monday.

5. Klineburger also made clear that his client, Monnin, was aware that the Arbitration was going to proceed with a hearing on November 5, 2012 (the “Hearing”). When asked whether he or Monnin intended to appear at the Hearing, Klineburger stated that “we” were still considering their options and deciding whether to participate in the Hearing.

6. At no time during that phone call or at any other point in the proceedings did Klineburger represent that Monnin was unaware of the status of the Arbitration or the date of the Hearing.

7. Attached as **Exhibit A** is a true and correct copy of the Pageant Entry Form for the Miss USA 2012 Pageant signed by Monnin.

8. Attached as **Exhibit B** is a true and correct copy of a Proof of Service dated June 25, 2012, demonstrating that the Demand for Arbitration, Statement of Claim, and 2012 Miss USA Pageant Entry Form were served on Monnin by overnight mail.

9. Attached as **Exhibit C** is a true and correct copy of a June 6, 2012 letter from me to Monnin.

10. Attached as **Exhibit D** is a true and correct copy of a June 7, 2012 letter from me to JAMS.

11. Attached as **Exhibit E** is a true and correct copy of a June 12, 2012 email from Lisa Schapira, an attorney I worked with at Chadbourne & Parke, LLP, to Monnin.

12. Attached as **Exhibit F** is a true and correct copy of a letter I received from Klineburger dated June 28, 2012.

13. Attached as **Exhibit G** is a copy of the JAMS Notice of Commencement of Arbitration in this case, dated July 2, 2012.

14. Attached as **Exhibit H** is a true and correct copy of the JAMS Notice of Appointment of Arbitrator, dated July 13, 2012.

15. Attached as **Exhibit I** is a true and correct copy of the biography of the Honorable Theodore H. Katz, U.S.M.J. (ret.), who served as the arbitrator in this case. The biography was retrieved from the JAMS website on February 20, 2013.

16. Attached as **Exhibit J** is a true and correct copy of the Scheduling Order and Proof of Service issued on September 19, 2012.

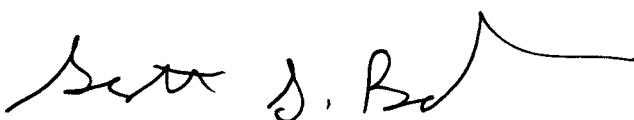
17. Attached as **Exhibit K** is a true and correct copy of the JAMS Notice of Hearing, which was sent to me and to Klineburger on September 17, 2012.

18. Attached as **Exhibit L** is a true and correct copy of Claimant's Document Requests and the attached cover letter, which were sent to Klineburger by overnight mail on September 21, 2012.

19. Klineburger never responded to these Document Requests, nor did he ever serve any requests for discovery on the MUO.

20. Attached as **Exhibit M** is a true and correct copy of the Pre-Hearing Memorandum submitted by the MUO on October 26, 2012.

Dated: February 20, 2013  
New York, New York



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Scott S. Balber